

Before the
FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of the Commission's)	WT Docket No. 97-82
Rules Regarding Installment Payment)	
Financing for Personal Communications)	
Services (PCS) Licenses)	

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

Horizon Personal Communications, Inc. ("Horizon"), by its attorneys and pursuant to Section 1.106 of the Commission's Rules [47 C.F.R. § 1.106], hereby requests reconsideration of the *Second Report and Order and Further Notice of Proposed Rule Making* in the above-captioned proceeding ("*Second R&O*"), insofar as it imposes deadline of January 15, 1998, for C-Block broadband PCS licensees to elect to continue making license payments under the terms of its installment financing Note(s), or to elect one of the three debt restructuring options described in the *Second R&O*. For reasons discussed below, Horizon respectfully requests that the Commission extend its election deadline to March 15, 1998.

Horizon is the C-Block broadband PCS licensee in the Basic Trading Area ("BTA") markets of Athens, Chillicothe and Zanesville-Cambridge, Ohio (Markets B023, B080 and B342) and Huntington and Parkersburg, West Virginia (Markets B197 and B142), and an affiliate of The Chillicothe Telephone Company ("Chillicothe Telephone"), a family-owned local exchange telephone and exchange access provider in the State of Ohio. Horizon applauds the Commission for its efforts to promote the competitiveness of entrepreneurs and small businesses in the face

of a financial crisis which has created a wholly new competitive environment for all entrepreneurs in the wireless industry.

The Commission has presented C-Block licensees with an array of complex options from which to choose to restructure their license payment obligations going forward, as well as the scope of their broadband PCS business plans. However, small businesses, such as Horizon, need additional time to assess the comparative merits of the options provided by the Commission, as well as to negotiate and finalize agreements with lenders, equipment vendors and outside investors, among others. Horizon's relationships with other PCS licensees and ongoing discussions with microwave incumbents, will be affected by its election. Moreover, Horizon is already providing PCS service in some markets and must consider the legitimate interest of its existing customers to receive uninterrupted service. These customers, and the goodwill Horizon has created, may be irreparably harmed if Horizon's election results in even a minor change or disruption in or to existing service being offered to subscribers. These undesirable results can all be avoided if licensees are given a modest amount of additional time. Therefore, Horizon requests that the Commission extend its C-Block election deadline for a period of two months, or to March 15, 1998.

Horizon respectfully submits that this modest extension of the election deadline is in the public interest and would harm no party. C-Block licensees were unable to assess fully their debt restructuring options until after October 16, 1997, when the text of the *Second R&O* was released to the public. This leaves licensees with barely three months in which to review their

options, negotiate complex business and financing arrangements, draft and review proposed agreements with affected third parties, and to finalize all these matters during a season interrupted by the Thanksgiving, Hanukkah/Christmas and New Year's holidays and the preparation of year-end financial reports. A reasonable extension of the election deadline would allow entrepreneurs to more carefully review the many issues and options before them, and make these important decisions in a more thoughtful manner. With more time, licensees will be able to satisfy themselves with their choices and will not so soon find themselves in a "take-it-or-leave-it" position as the January 15, 1998 election deadline approaches.

No party would be harmed by extending election day to March 15, 1998, since it would not require the Commission to change the March 31, 1998 date when C-Block license payment obligations are resumed or alter any other license payment deadlines. To the contrary, entrepreneurs and small businesses will have additional time to take advantage of the Commission's rule changes, including changes brought about by the recent World Trade Organization ("WTO") agreement, before making a single decision that may determine their ultimate failure or success. Extending the election deadline will in no way prejudice licensees that have already made their decisions, or who wish to continue under their existing Note(s) since these licensees are not delayed from building out their systems and otherwise pursuing their business plans. Moreover, since many C-Block licensees are likely to be the first competitors to cellular incumbents in rural markets, it is in the public interest to provide these entities with as much time as possible to solidify their business and financing arrangements before forcing them to "fish or cut bait." With more time, it is more likely that businesses that

wish to provide service to rural areas will be able to finalize arrangements with their lenders, such as the Rural Telephone Finance Cooperative ("RTFC"), rather than returning these licenses to the Commission for reauction.


CONCLUSION

WHEREFORE, Horizon respectfully requests that the Commission extend the C-Block installment payment election deadline until March 15, 1998.

Respectfully, submitted,

Horizon Personal Communications, Inc.

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